

COMMISSION ON COMMON OWNERSHIP COMMUNITIES
Minutes of the Monthly Meeting
100 Maryland Avenue, Room 225, Rockville, MD
November 1, 2017

The monthly meeting of the Commission on Common Ownership Communities was called to order at 7:06 p.m. by Chairman Rand H. Fishbein.

Commissioners Present: Branda, Burrows, Ethier, Fine, Fishbein, Fonoroff, Gardner (arr. 8:42pm), Koonin, Majerle, Oxendine, Radcliffe, Winegar, Viney, & Valley

Commissioners Absent: Gelfound

Also attending: Walter Wilson (Associate County Attorney), Mark Anders (CCOC staff).

Visitors: Carole L. Portis (Leisure World), Sheryl Katzman (Leisure World), Suzanne Gray (Leisure World), Nataalka Mouchyn (Leisure World), Natalia Skyrn (Leisure World), Wendy Wexler (Crocket Lane HOA), Jay Hagler (Crockett Lane HOA), Eric Lienhard (Poplar Run HOA), Vicki Crabtree (Greenfields @ Brandermill), Lori Jupin (Greenfields @ Brandermill), Amy Burkett (Greenfields @ Brandermill)

1. Commissioner Winegar objected to staff recording the meeting in contravention of commission decision. Commissioner Fonoroff moved that the decision be suspended for this meeting: a majority of Commissioners voted in favor of the motion, Commissioner Winegar opposed.
2. Minutes: The Commission voted to accept the minutes of the October 2017 meeting as presented, with a majority in favor, none opposed, Commissioners Branda, Koonin, Majerle, Oxendine abstaining.
3. Chair's Comments:
 - a) Dr. Fishbein directed the attention of the Commission to the new Montgomery County 2017 Resident Survey recently distributed by the County's CountyStat Office. He observed that the survey, which runs for many pages, gives scant attention to common ownership communities. Dr. Fishbein urged Commissioners to read the survey and suggested that a delegation plan to meet with David Gottesman, the Manager of CountyStat, to discuss the importance of gathering survey data on COCs, their economic and social importance to the County and the possibility of a partnership in the design of a follow-on survey directed exclusively at COCs. Dr. Fishbein said he would be contacting Mr. Gottesman to discuss the survey and arrange the proposed meeting.
 - b) Councilmember Nancy Floreen introduced Bill 37-17, *Housing- Moderately Priced Dwelling Unites (MPDU) – Amendments*. In an article in her office publication, Montgomery In Focus, she notes that the bill "is the first major revision to the MPDU law in 13 years." Dr. Fishbein sent a copy of Ms. Floreen's statement and a link to the bill to each Commissioner and recommended that the Legislative Committee review the legislation and its potential impact on common ownership communities and report back to the Commission in December on its findings.
 - c) Dr. Fishbein noted that by the start of the meeting, the Commission did not receive from DHCA a budget summary covering its end-of-month balance of revenue and expenditures as promised

by the Department. The Chair will contact Tim Goetzinger and see if the document can be sent out to Commissioners as soon as possible.

- d) At its December meeting, the Commission will review the new Case Intake Forms developed by the Education Committee.
- e) On behalf of the entire Commission, Dr. Fishbein would like to extend a special thank you to Commissioner Fine for arranging for the Commission's delicious dinner this evening of sandwiches and sides from Sardis.
- f) The Commission would like to thank Commissioner Viney for preparing an excellent set of minutes from last month's meeting.

4. Community Forum: There were no visitor comments.

5. Submission of disputes for Commission consideration:

- a) **#51-17 Crockett Lane HOA v. Victoria Nwongu**: Commissioner Fine moved to accept jurisdiction re the authority of the governing body to require an action involving a unit. Commission approved by unanimous vote and referred the matter to a hearing panel.
- b) **#35-17 Leinhard v. Poplar Run HOA**: Commissioner Majerle moved to accept jurisdiction re the failure to properly conduct an election. Commission approved by unanimous vote and referred the matter to a hearing panel.
- c) **#12-17 Massahi v. Waring Station HOA**: Commissioner Oxendine moved to accept jurisdiction re the authority of the governing body to assess fees. Commission approved by unanimous vote and referred the matter to a hearing panel.
- d) **#20-17 Le Thai v. Potomac Glen Community Association**: Commissioner Fine moved to accept jurisdiction re the authority to spend association funds. Commission approved by majority vote, Commissioners Ethier & Majerle against, and referred the matter to a hearing panel.
- e) **#19-17 Tobb v. Oak Grove HOA**: Commissioner Oxendine moved to accept jurisdiction re authority of governing body to require an action involving a unit and authority to inspect books & records. On learning that the Respondent did not appear at an agreed mediation, and in accordance with Chapter 10B-11(c), the Commission approved the motion by unanimous vote and referred the matter to a hearing panel *where the Respondent may not appear*.
- f) **#34-17 Bian v. Arora Hills HOA**: Commissioner Majerle moved to accept jurisdiction re the authority of the governing body to require an action involving a unit. Commission approved by unanimous vote and referred the matter to a hearing panel.
- g) **#36-17 Portis v. Mutual 22 "The Pines"**: Commissioner Gardner moved to accept jurisdiction in part re the failure to properly conduct a meeting and the failure to properly adopt a budget. Commission approved by majority vote, Commissioners Fine & Radcliffe abstaining, and referred the matter to a hearing panel.
- h) **#43-17 Greencastle Lakes Community Assoc. v. Ahmed & Begum**: After discussion it was determined that a panel [Viney & Winegar w/Ethier as chair] was set at a previous meeting [March 2017].
- i) Commissioner Viney moved that in future, cases previously tabled and being presented again for the Commission's consideration should be placed under Submission of Disputes, not under Old Business. Commission approved by unanimous vote.

6. Hearing calendar: Panelists chosen for current submissions [subject to change].

Details omitted on adoption of minutes December 6, 2017.

7. Decisions and Orders Issued (summaries included) n/a
8. Decisions and Orders on Appeal:
 - #72-13 Potomac Preserve v. Ball: Remains in the Court of Special Appeal
 - #73-16 Creitz v. Meadow Ridge Villas Condo Association
9. County Attorney's Report: No report.
10. DHCA Staff Report: Statistical report distributed at meeting. Mr. Anders informed the Commission that a candidate has been chosen to replace Mr. Drymalski and is currently undergoing final vetting. Dr. Fishbein remarked that the commission had no input into any of the candidates' credentials or in the interview process.
11. Committee Reports:
 - a. Education (Mark Fine, Chair):
 - i. Commissioner Viney informed the commission that the *Leisure World News* has agreed to use the CCOC Fundamentals of Community Governance "training manual" as a source for content in their publication.
 - ii. Commissioner Ethier's CCOC Omnibus Plan that was distributed to all commissioners will be discussed at the December meeting.
 - b. Legislation (Ilana Branda, Chair): The committee submitted their proposed changes to Chapter 10B.
 - i. Commissioner Branda apologized for an error re Section 10B-13(i) and (j) [re enforcement of commission orders]. Commissioner Gardner offered a recommendation which was accepted by the committee, but inadvertently omitted from this report.
 - ii. Commissioner Viney pointed out that the Legislative Committee's recommendation to "create a *refresher* course which must be taken every three years" differs from the recommendation of the Education Committee, i.e. that board members "take the *existing* training course every three years". Further discussion showed there is no consensus about re-training every three years. Commissioner Ethier moved that the Commission approve the proposed changes, with the exception of those in Section 10B-6, 10B-13(h), and 10B-17 having to do with the board training course and re-training. Approved by unanimous vote.
 - c. Process & Procedures (Marietta Ethier, Chair): No report.
 - d. IT (Mike Burrows, Chair): No report.
 - e. Budget & Policy (Rand Fishbein, Chair): See Chair's Comments at #3(c).
12. The Commission's next monthly meeting will be held on December 6, 2017 at 7:00pm.
13. Adjournment: The meeting was adjourned at 9:30 pm.

Minutes submitted by:

Kathy Viney,

Commissioner & Recording Secretary